

9 Australian Capital Territory

Agency abbreviations

The following abbreviations are used in the 'Agency' column of the Australian Capital Territory legislation review timetable.

ACT Health ACT Health

CMD Chief Minister's Department

DDHCC Department of Disability, Housing and Community Services

DEYFS Department of Education, Youth and Family Services

DoT Department of Treasury

DUS Department of Urban Services

JACS Department of Justice and Community Safety

Legislation review: Australian Capital Territory

Updated to February 2004

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Administration and Probate Act 1929	JACS	Minor NCP issues (imposes restrictions on business structure and conduct).	<p>Intradepartmental review by the Justice and Community Safety Department completed in December 2001. Note that a national review of testamentary legislation is also underway by Australian Law Reform Commissions (led by the Qld Law Reform Commission).</p> <p>Minor restrictions in the Act are justified given the need to permit the Public Trustee to efficiently perform its function of being the trustee of last resort (that is the trustee that must provide services to low value estates) and the particular circumstances the Act deals with.</p> <p>In particular, funeral and testamentary expenses should have priority if an estate is insolvent because, in the absence of such an arrangement the responsibility for arranging for the burial, or other disposal of a body, would fall on the near relatives of the deceased or on the Territory. The current arrangement places the interests of the near relatives, the Territory and undertakers above those of creditors.</p>	The Government introduced amendments in June 2002 that were passed by the Legislative Assembly in September 2002.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
			Minor amendments to the Act are proposed to reflect introduction of the GST.	
Adoption Act 1993	DEYFS, CMD		Review not required. Act assessed as not restricting competition.	
Agents Act 1968	JACS	Licensing (real estate agents, travel agents, business agents, stock and station agents), registration, entry requirements, the reservation of practice, disciplinary processes, and business conduct.	Intradepartmental review completed in 2001. Review concluded that there are no competition policy issues requiring legislative reform within the real estate, stock and station and business agents' markets, but questions the imposition of a licensing regime on the employment agents' market.	The Government accepted the review findings. The Agents Act 2003 replaces the Agents Act 1968.
Air Pollution Act 1984	DUS		Review not required.	Act repealed by the Environment Protection Act 1997.
Anglican Church of Australia Trust Property Act 1917 - NSW legislation in its application in the Territory	JACS		Intradepartmental review completed in 1999. Minor issues. Act does not restrict competition. The Act does not give the church a commercial advantage and does not have an anti-competitive effect.	Act retained without reform.
Anglican Church of Australia Trust Property Act 1928 (NSW) in its application in the Territory	JACS		Intradepartmental review completed in 1999. Minor issues. Act does not restrict competition. The Act does not give the church a commercial advantage and does not have an anti-competitive effect.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Animal Diseases Act 1993	DUS	Declaration of quarantine areas. Allows Minister to direct destruction of animals and removal of refuse. Imposes a tagging requirement for stock. Restricts entry into tag manufacture. Controls use of vaccines and the sale of infected animals.	Review, in conjunction with the Pounds Act 1928 and Stock Act 1991, completed. Review found the restrictions to have benefits to animal health, public health and sustainable development that outweigh their costs. No reform recommended.	Act retained without reform.
Animal Welfare Act 1992	DUS	Ban on rodeos and circuses. Restrictions on use of animals in experiments. Restrictions on who may carry out surgical procedures.	Review completed. Review found that, subject to some amendments, the restrictions are in the public interest.	Act retained without reform.
Annual Holidays Act 1973	CMD		Review not required.	Act renamed the Annual Leave Act 1973.
Annual Leave Act 1973	CMD	No competition restrictions. Act bestows employee benefits.	Review not required.	Act retained without reform.
Apiaries Act 1928	DUS			Act repealed and replaced by the Animal Diseases Act 1993.

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Architects Act 1959	DUS	Registration, entry requirements, reservation of title, and disciplinary processes.	National review by the Productivity Commission (PC) completed in August 2000 (publicly released November 2000). PC review involved public consultation via public release of issues paper, draft report, consultation, public hearings and receiving submissions. Review recommended repeal of Act.	A States and Territories working group developed a national response to the PC review. On 2 February 2004, the ACT agreed to the drafting of legislation to reform the ACT. Drafting has been completed and amending legislation is to be introduced into the Legislative Assembly in early 2004 with enactment expected to occur by mid-2004. The ACT's amendments are consistent with the agreed principles for harmonisation of architects' Acts as agreed by CoAG and is closely modelled on NSW and Queensland reforms.
Associations Incorporation Act 1991	JACS	Minor National Competition Policy (NCP) issues (imposes restrictions on business structure).	Intradepartmental review by the Justice and Community Safety Department completed in February 2001. Report concluded that the restrictions were justified as the community benefits from not-for-profit organisations having access to a cheaper and less onerous incorporation regime. Without it many would opt to not incorporate. This in turn would be disadvantageous to business, as commercial relationships would be more difficult.	Act retained without reform.
Auctioneers Act 1959	JACS	Licensing, entry requirements (age, good character, no pawnbrokers), the reservation of practice, and business conduct (maintenance of records for at least 12 months).	Intradepartmental review completed in 2001. Review found that while the regulatory costs imposed on auctioneers are minor, the benefits appear insufficient to justify the licensing requirements in the Act. The review recommended the repeal of the Act.	The Government implemented the Agents Act 2003, which repealed the Auctioneers Act on its commencement on 1 November 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Australian-American Educational Foundation Act 1966	JACS	<p>This Act was originally an Australian Government ordinance-the Australian-American Education Foundation Ordinance 1966 No 16 (Cwlth), however, it was converted into an ACT enactment on 11 May 1989 at the time of self-government.</p> <p>The Act allows for the establishment of an educational foundation and has been assessed as not restricting competition.</p>	Review not required.	The Act is to be repatriated to the Australian Government.
Bank Mergers Act 1997	CMD	Act assessed as not restricting competition.	Review not required.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Betting (ACTTAB Limited) Act 1964 Betting (Corporatisation) (Consequential Provisions) Act 1996	DoT	Exclusive licence.	Review completed in 1999. Review recommended that the Government allow new licences for Totalizator Agency Boards (TABs) operating wholly within the ACT, but not allow interstate totalisators until systems are in place to extract racing turnover taxes (and any other turnover taxes and licences) from wagers that originate in the ACT.	The Government supported an open market subject to ensuring that all ACT betting activity is identified and that any adverse revenue impacts are compensated. ACT willing to consider non-exclusive licence issue after cross border betting matters have been addressed by the Australian Racing Ministers' forum. Arising from the report of the cross border betting task force, The Australian Racing Ministers' forum has agreed in principle to the concept of a racing product fee being levied on all corporate bookmakers, excluding TABs. This in principle agreement has been communicated to industry, which is currently formulating its response. The Betting (Corporatisation) (Consequential Provisions) Act 1996 was repealed in 2001.
Birth (Equality of Status) Act 1988	JACS		Intradepartmental review completed in 1999. Minor issues. The Act does not have any material effect on competition.	Act retained without reform.
Births, Deaths and Marriages Registration Act 1997	JACS	Minor NCP issues (imposes a conduct requirement).	Intradepartmental review completed in October 2001. Minor issues. The Act does not have any material effect on competition.	Act retained without reform.
Blood Donation (Transmittable Diseases) Act 1985	ACT Health	Limits conduct, and confers benefit.	Review completed in 2002.	Act to be retained on public health benefit grounds.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Board of Senior Secondary Studies Act 1997	DEYFS	Provides for accreditation of secondary courses.	Intradepartmental review.	Legislation is necessary to provide the Government approved function. Legislation to be retained to maintain uniform standards for senior secondary courses and certification.
Bookmakers Act 1985	DoT	Contains provisions for licensing bookmakers for racing and sports betting.	Targeted public review, in conjunction with the Betting (ACTTAB Limited) Act 1964 and the Betting (Corporatisation) (Consequential Provisions) Act 1996, completed in 1999.	The Government implemented reforms via the Race and Sports Bookmaking Act 2001, which repealed the Bookmakers Act and removed several restrictions on the operation of bookmakers.
Boxing Control Act 1993	CMD	Registration of professional boxers, officials and promoters (defined in NSW Boxing and Wrestling Control Act 1986).	The ACT review could not be done independently of the NSW Boxing and Wrestling Control Act review. NSW completed its review in 2002, finding that there are public benefits from regulating combat sports.	The ACT legislation will be amended to reflect relevant changes in NSW and to be consistent with the national approach toward developing a national registration system.
Building and Construction Industry Training Fund Act 1990	DEYFS	Levy on building work, except in relation to any work undertaken by, or for, State and local governments.	Major review completed. Review recommended retention of the levy as the most appropriate means of funding industry training. A number of administrative changes were recommended to improve the operation of the Board and the training scheme.	Act retained without reform.

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Building Act 1972	DUS	Building regulations, licensing, registration, entry requirements (training, course work, practical experience or qualifications and supervised building work, business capacity), reservation of practice, disciplinary processes, and business conduct (insurance).	<p>Targeted public review, in conjunction with the Electricity Act 1971 (electricians licensing) and the Plumbers, Drainers and Gasfitters Board Act 1982, by Allen Consulting Group completed in August 2000. Review focused on regulation of building occupations and insurance arrangements. Review recommended: legislation should be replaced by a single new Act for licensing of builders, electricians, plumbers, drainers and gasfitters; existing boards should be abolished and replaced by a single Registrar supported by separate advisory panels; various changes to remove duplication and streamline licensing arrangements; and changes to disciplinary system.</p> <p>Review did not focus on building regulations. Public benefits for building regulations are amenity, safety and health of people who use buildings and community expectations.</p>	<p>The previous Government did not agree with recommendation for a peer group to have power to overturn Registrar's decisions in relation to strictly technical matters.</p> <p>An exposure draft of new legislation and regulations was tabled in Parliament on 24 June 2003. The Construction Occupations (Licensing) Bill 2003 was introduced into the Legislative Assembly on 20 November 2003. The Bill is scheduled for debate in early March 2004 with enactment expected to occur by mid-2004. The Bill introduces significant reforms to the regulation of building and construction industry trades and implements the recommendations of the National Competition Policy review of Occupational Licensing in the ACT, which reflected reform proposals that have been considered over a number of years.</p>
Building and Services Act 1924	DUS		Interdepartmental review. Part of the utilities legislation review under the lead of Treasury.	Act replaced in part by the new Utilities Act and in part by a separate new Act to deal with communications infrastructure.
Buildings (Design and Siting) Act 1964	DUS			<p>Act repealed by the Land (Planning and Environment) (Amendment) Act 1996 (No.3) as a result of implementation of the 1995 Stein report.</p> <p>Design and siting provisions incorporated into streamlined Development Application.</p>

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Business Franchise (Liquor) Act 1993	CMD		Review not required.	Federal Court S90 decision, no further action.
Business Franchise (Tobacco and Petroleum Products) Act 1984	CMD		Review not required.	Federal Court s90 decision, no further action.
Business Franchise ('X' Videos) Act 1990	JACS		Review not required.	Act repealed in 1996 following a High Court decision.
Business Names Act 1963	JACS	Minor NCP issues. Act prohibits carrying on business under a business name which is not registered. It also restricts the types of names that may be registered.	Intradepartmental review completed in October 2000. Similar restrictions and prohibitions apply in all States and Territories. The very limited effect on competition is outweighed by the benefits associated with being able to identify on a public register the individuals behind the trading name of an enterprise.	Act retained without reform.
Canberra Institute of Technology Act 1987	DEYFS	Provides an exemption from Territory taxes and charges.	Review completed in 1999. Act assessed as not restricting competition.	Act retained without reform.
Canberra Tourism and Events Corporation Act 1997	CMD	Act assessed as not restricting competition.	Review not required.	
Casino Control Act 1988	DoT	Exclusive licence. Restrictions on operations and conduct.	Targeted public review completed in 1998 as part of the gambling legislation review.	The Government announced that the exclusivity of the casino licence will not extend beyond the current licence period. The prohibition on gaming machines at the casino will remain at the recommendation of a select committee of the Legislative Assembly.

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Cemeteries Act 1933	DUS	Limits conduct.	Targeted public review, in conjunction with the Cremation Act 1966, completed in 2000. Review recommended a limit on post-burial tenure at public cemeteries, and that the provision of Australian Capital Territory cemeteries should not be restricted by legislation to a single operator.	The Government rejected recommendation to limit post-burial tenure at public cemeteries. Replacement legislation, the Cemeteries and Crematoria Bill 2001, introduced for debate in the Legislative Assembly in August 2001 and subsequently withdrawn. The Cemeteries and Crematoria Bill 2002 (No 2) was introduced into the Legislative Assembly in December 2002. The Bill was passed by the Legislative Assembly on 6 March 2003 and commenced on 6 September 2003. (See also the Cremation Act 1966.)
Children and Young People Act 1999	DEYFS	Licensing of child care operations. Introduces concepts of: parental responsibility; family group conferencing; therapeutic protections; and enduring parental responsibility for children and young people in need of care and protection. Expanded definition of mandated professionals.	New legislation replacing the Children's Services Act 1986.	The Act was subject to the gatekeeper process.
Children's Services Act 1986 - except Parts III and X	DEYFS	Licensing of child care operations.	Full public review completed in 1999. Act assessed as not restricting competition.	A replacement Act, the Children and Young People Act 1999 passed in the Legislative Assembly on 21 October 1999.

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Chiropractors and Osteopaths Act 1983	ACT Health	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review of health practitioner legislation completed in March 2001. Review found a net public benefit in retaining title protection (and associated entry standards). Review did not establish an overwhelming benefit in maintaining scope of practice restrictions. The Review recommended recasting provisions relating to standards of conduct as specific, unambiguous conduct requirements that have an identifiable and direct public/protection role. Review recommended replacing current advertising restrictions with a prohibition on misleading advertising. Review also made regulatory reform recommendations in relation to reviews of board decisions, and the involvement of independent bodies in conducting disciplinary hearings.	The Government considered the review reform proposals and agreed to the drafting of revised legislation. It released a draft Health Professionals Bill for consultation. The draft Bill will repeal the existing health professional Acts, and replace them with a consolidated Act. The Government tabled the final Bill in the Legislative Assembly on 11 December 2003. It is scheduled for debate in March 2004 with enactment expected by June 2004.

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Classification (Publications, Films and Computer Games) (Enforcement) Act 1995	JACS		<p>Joint jurisdictional review under way. Part of an ongoing national regulatory scheme overseen by the Federal Government.</p> <p>The ACT has very limited powers in relation to classification legislation (see s23 (1)(g) of the ACT Self-Government Act where the ACT has no powers to make classification laws with to censorship). The ACT has power to legislate with respect to enforcement of the classification laws.</p> <p>Further review of the ACT legislation was dependent on Australian Government action. The Australian Government conducted a review into classification in 2000-2001 in relation to the proposal for a "non-violent erotica" classification. The Australian Government did not proceed with that review. The Australian Government earlier this year completed a review of classification guidelines, but no consequential ACT activity has been identified.</p>	Act retained without reform.
Clinical Waste Act 1990	DUS		Intradepartmental review completed in May 2002. Review found that the public health and environmental protection benefits of the restrictions provided a net benefit to the public.	Act retained without reform.

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Collections Act 1959	DUS	Licensing (fit and proper person, cause must be in the public interest, costs/remuneration not likely to be excessive, funds raised to be applied in ACT — unless there is no ACT body supporting that cause,), business conduct (reporting of funds raised and costs).	Review, in conjunction with the Hawkers Act 1936, by Allen Consulting Group completed in April 2000. Review involved targeted public consultation, with an issues paper, meetings and written submissions. Recommended: Act not place limits on the level of fundraising costs or remuneration; the regulatory emphasis be on the disclosure of fundraising details to potential donors; the Act not limit the locations where collections can be undertaken or the number of organisations collecting; rather than focusing on funds raised and costs incurred for particular collections, all organisations that produce audited accounts be required to lodge those accounts with the registrar on an annual basis; organisations that do not have audited accounts be required to keep appropriate records and have those records signed off by an 'appropriate person' as being in order; collectors be required to wear a badge (or prominently display information) relating to the collection; and the Act be drafted to apply to any direct or indirect appeal for support.	The Government accepted most review recommendations. The Charitable Collections Act 2003, which replaced the Collections Act, will commence in September 2003.
Commercial Arbitration Act 1986	JACS		Intradepartmental review completed in 2001. Review concluded that the Act does not have any material effect on competition.	Act retained without reform.

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Common Carriers Act 1902 (New South Wales) in its application in the Territory	JACS		Intradepartmental review completed in 1999. The Act limits the liability for common land carriers ameliorating a common law 'strict liability' which otherwise would apply to common carriers. As 'strict liability' is not to be removed, the limitation of liability should remain.	Act retained without reform.
Community and Health Services Complaints Act 1993	ACT Health	Confidentiality and investment restrictions.	Intradepartmental review completed in December 1999. Potential restrictions identified in terms of powers to both maintain the confidentiality of information and to access information. Review concluded that the restrictions did not function anti-competitively and that no market was affected by the legislation.	Act retained without reform.
Companies (Australian Government Brickworks (Canberra) Limited) Act 1979	CMD	Act assessed as not restricting competition.	Review not required.	
Companies (Registered Societies) Ordinance 1990	CMD		Review not required.	Registered Societies model legislation adopted nationally.
Companies Auditors and Liquidators Disciplinary Board Ordinance 1982	CMD		Review completed.	Registered Societies model legislation adopted nationally.
Construction Practitioners Registration Act 1998	DUS	Registration for building certifiers, entry requirements, disciplinary processes, and business conduct (professional indemnity insurance with approved insurer, no conflict of interest).	New legislation to introduce private certification of building work. Review completed in November 2000.	See reform activity notes under the Building Act 1972.

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Consumer Credit (Administration) Act 1996	JACS	Minimal registration and conduct requirements.	Intradepartmental review completed in September 2001. Review concluded that the market suffers from well documented market failures that expose consumers to high levels of financial risk and prevent them from discriminating objectively between the providers of services in terms of quality and cost of service.	The Act maintained on public benefit (consumer protection) grounds.
Consumer Credit Act 1995	JACS	Part of a national regulatory regime.	National review completed. Review recommended maintaining the current provisions of the code, reviewing its definitions to bring term sales of land, conditional sales agreements, tiny term contracts and solicitor lending within the scope of the code. The review also recommended enhancing the code's disclosure requirements. The Ministerial Council on Consumer Affairs (MCCA) endorsed the final report in 2002 and referred it to the Uniform Credit Code Management Committee which is facilitating the resolution of some issues.	Australian Capital Territory will duplicate model legislation developed by Queensland.
Contractors' Debts Act 1897 (New South Wales) in its application in the Territory	JACS		Review completed in 1999.	Amendments recommended by review included in the Justice and Community Safety Amendment Act 2001 which repeals section 5 (which capped the liability of contractors for their employees to 60 days' wages) and section 6 (which limited the period in which a worker can make a claim for wages to 3 months).
Co-operative Societies Act 1939	CMD		Intradepartmental review completed.	Act amended to reflect a consistent national approach.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Coroners Act 1997	JACS	Minor issues.	Intradepartmental review completed in 2001. Review concluded that the Act does not have any material effect on competition.	Act retained without reform.
Credit Act 1985	JACS		Review not required.	
Cremation Act 1966	DUS	Limits conduct.	See the Cemeteries Act 1933.	Replacement legislation, the Cemeteries and Crematoria Bill 2001, introduced for debate in August 2001 and adjourned. The Cemeteries and Crematoria Bill 2002 (No 2) was introduced into the Legislative Assembly in December 2002. The Bill was passed by the Legislative Assembly on 6 March 2003 and will commence on 6 September 2003. (See also Cemeteries Act 1933.)
Crown Proceedings Act 1992	JACS		Intradepartmental review completed in 1999.	Amendments recommended by review included in Justice and Community Safety Amendment Act 2001 which includes an amendment to the Act to remove a competitive advantage enjoyed by the Crown when it carries on business activities.
Cultural Facilities Corporation Act 1997	DUS	Act assessed as not restricting competition.	Review not required.	

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Dangerous Goods Act 1975 (New South Wales) in its application in the Territory	CMD		<p>Part of overall review of the ACT's Occupational Health and Safety legislation. Regulatory Impact Statement (RIS) prepared and public comments sought through an extensive consultative process. Review found that it is the public interest to regulate workplace safety and dangerous goods, and recommended the adoption of an integrated and modernised regulatory regime.</p> <p>The Standing Committee on Legal Affairs commenced a review of the Act in December 2001, with particular reference to: the sale of fireworks in the Territory; the general safety of setting off fireworks; and any other related matters. The Committee recommended that the Act and its subordinate legislation be redrafted.</p>	<p>The Government announced in December 2002 that it proposed to prepare a new Dangerous Goods Act and new explosives and fireworks regulations. The new Act — the Dangerous Substances Bill 2003 — was introduced to the Legislative Assembly on 11 December 2003 and is scheduled for debate in February 2004. The Bill, which is expected to be enacted by end-March 2004, is consistent with the national standard for the storage and handling of dangerous goods, the Australian dangerous goods code and the Australian explosives code.</p>
Dangerous Goods Act 1984	DUS	The Act applied the NSW Dangerous Goods Act 1975 to the ACT.		Act repealed and provisions incorporated in the Dangerous Goods Act 1975.
Defamation Act 1901 (New South Wales) in its application in the Territory	JACS	Minor NCP issues (confers differential statutory defences to different parts of the media market).	Review not required.	Act repealed by the Defamation Act 2001.

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Dental Technicians and Dental Prosthetists Registration Act 1988	ACT Health	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review of health practitioner legislation completed in March 2001. Review found a net public benefit in retaining title protection (and associated entry standards). Review did not establish an overwhelming benefit in maintaining scope of practice restrictions. Review recommended recasting provisions relating to standards of conduct as specific, unambiguous conduct requirements that have an identifiable and direct public/protection role. Review recommended replacing current advertising restrictions with a prohibition on misleading advertising. Review also made regulatory reform recommendations in relation to reviews of board decisions, and the involvement of independent bodies in conducting disciplinary hearings.	The Government considered the review reform proposals and agreed to the drafting of revised legislation. It released a draft Health Professionals Bill for consultation. The Bill will repeal the existing health professional Acts, and replace them with a consolidated Act. The Government tabled the final Bill in the Legislative Assembly on 11 December 2003. It is scheduled for debate in March 2004 with enactment expected by June 2004.

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Dentists Act 1931	ACT Health	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review of general health practitioner legislation completed in March 2001. Review found a net public benefit in retaining title protection (and associated entry standards). Review did not establish an overwhelming benefit in maintaining scope of practice restrictions. Review recommended recasting provisions relating to standards of conduct as specific, unambiguous conduct requirements that have an identifiable and direct public/protection role. Review recommended replacing current advertising restrictions with a prohibition on misleading advertising. Review also made regulatory reform recommendations in relation to reviews of board decisions, and the involvement of independent bodies in conducting disciplinary hearings.	The Government considered the review reform proposals and agreed to the drafting of revised legislation. It released a draft Health Professionals Bill for consultation. The Bill will repeal the existing health professional Acts, and replace them with a consolidated Act. The Government tabled the final Bill in the Legislative Assembly on 11 December 2003. It is scheduled for debate in March 2004 with enactment expected by June 2004.
Disability Services Act 1991	DDHCS	S6 and S7 grant conditions that may restrict competition.	Desktop review completed in December 2000. Review did not sustain initial audit view that restrictions on competition may have been present in the legislation.	Act to be retained without reform.
Discrimination Act 1991	JACS	Minor NCP issues (Sections 28 and 29 provide exceptions for the insurance and superannuation industries from unlawful discrimination).	Intradepartmental review completed in September 2001. Review concluded that the insurance and superannuation industries are entitled to rely on actuarial, statistical, or other data or relevant factors to discriminate against persons where reasonable having regard to such information. The costs are minimal and the public benefit test is satisfied.	Act retained without reform.

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Domestic Relationships Act 1994	JACS		Intradepartmental review completed in 2001. Review concluded that the Act does not have any material effect on competition.	
Door-to-Door Trading Act 1991	JACS	Restricts the hours during which door to door sellers may operate.	Intradepartmental review completed in October 2000. Review concluded that costs are minor. Public benefit is high — taking into consideration the need for rest for family members undisturbed by door to door traders during periods of the night and day which are normally periods of rest.	Act retained without reform.
Drugs of Dependence Act 1989	ACT Health	Restrictions on competition throughout Act.	Part of the national Galbally Review into drugs, poisons and controlled substances. Draft review report released on 11 September 2000. Final review report given to the Australian Health Ministers Conference (AHMC) in early 2001. Australian Health Ministers' Advisory Council (AHMAC) Working Party considered review and reported back to Health Ministers in June 2002.	The working party consulted with the Primary Industries Ministerial Council in preparing its response to the Galbally report. The response was endorsed by AHMC out of session in October 2003 and is expected to be considered by CoAG, together with the Galbally report, in early 2004. The ACT is awaiting CoAG's final response before commencing legislative changes.
Earnings (Assignment and Attachment) Act 1966	JACS	Act assessed as not restricting competition.	Review not required.	

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Education Act 1937 Schools Authority Act 1976 Public Instruction Act 1880 Free Education Act 1906	DEYFS	Requires non-government schools to be registered.	Full public review completed in 2000. Review involved extensive consultation and made 23 recommendations, including: <ul style="list-style-type: none"> • establishing a single Act for schooling in the ACT; • considering teacher registration for the professional enhancement of teachers in the ACT; • retaining legislative provisions for the establishment and re-registration of nongovernment schools; and • reviewing the licensing arrangements for independent preschools that are attached to registered nongovernment schools. 	The Government has accepted the recommendations and presented the Education Bill 2003 to the Legislative Assembly on 27 November 2003. It is scheduled for debate in March 2004, and enactment is likely by mid-2004.
Education Services for Overseas Students (Registration and Regulation of Providers) Act 1994	DEYFS	Requires registration of providers of education to overseas students.	Interdepartmental review.	Act repealed.
Electoral Act 1992	JACS	Act assessed as not restricting competition.	Review not required.	
Electricity Act 1971 (renamed the Electricity Safety Act 1971) – Part 1 of 2	DUS		Review not required.	Some provisions of the Act provided powers for suppliers of electricity distribution services. Such matters are now dealt with by the Utilities Act 2000 and the provisions were repealed in January 2001.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Electricity Act 1971 - electricians licensing – Part 2 of 2	DUS	Licensing, registration, entry requirements (skills, qualifications, experience, business capacity), the reservation of practice (installing, altering or repairing an electrical installation, other than an electrical installation that operates at extra low voltage), disciplinary processes, and business conduct (insurance).	Targeted public review completed in 2000. Provisions for licensing of electricians reviewed by Allen Consulting Group in conjunction with Building Act 1972 and the Plumbers, Drainers and Gasfitters Board Act 1982. Final report completed August 2000. Review focused on regulation of building occupations and insurance arrangements. Review recommended legislation should be replaced by a single new Act for licensing of builders, electricians, plumbers, drainers and gasfitters; existing boards be abolished and replaced by a single Registrar supported by separate advisory panels; various changes to remove duplication and streamline licensing arrangements; and changes to disciplinary system.	See the Building Act 1972. The Construction Occupations (Licensing) Bill 2003 was introduced into the Legislative Assembly on 20 November 2003. The Bill is scheduled for debate in early March 2004 with enactment expected to occur by mid-2004. the Bill introduces significant reforms to the regulation of building and construction industry trades and implements the recommendations of the National Competition Policy review of Occupational Licensing in the ACT, which reflected reform proposals that have been considered over a number of years.
Enclosed Lands Protection Act 1943	DUS	Act assessed as not restricting competition.	Review not required.	Act retained without reform.
Enforcement of Public Interests Act 1973	JACS	Act assessed as not restricting competition.	Review not required.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Environment Protection Act 1997	DUS		RIS undertaken in developing the legislation. RIS publicly available.	The Environment Protection Act 1997 came into effect on 1 June 1998 and was a result of NCP reviews of the Air Pollution Act 1984, the Water Pollution Act 1984, the Noise Control Act 1988, the Pesticides Act 1989 and the Ozone Protection Act 1991, which were all subsequently repealed. The establishment of the single Act was designed to maintain the public interest in terms of protecting the environment from pollution and its negative effects (as identified through the NCP reviews of the other five Acts), but through a legislatively simplified regime.
Essential Services (Continuity of Supply) Act 1992	DUS		Review not required.	Part of the Act to be repealed as it will now be part of the Utilities legislation.
Fair Trading (Consumer Affairs) Act 1973 (previously Consumer Affairs Act 1973)	JACS	Imposes conduct restrictions.	Intradepartmental review completed in September 2001. Review concluded that the Act is procompetition. Minor amendments proposed.	Amendments included in the Fair Trading (Amendment) Act 2001.
Fair Trading (Fuel Prices) Act 1993	JACS	Allows the relevant Minister to set fuel prices.	Intradepartmental review completed in 1999. Review concluded that the Act has no effect on the market unless the Minister exercises a power to determine fuel prices under the Act. The Minister is unlikely to make such a determination unless the market is acting in a collusive or anti-competitive manner. On activation, costs would be significant. However, there would be a countervailing and greater community benefit.	Act retained on public benefit (consumer protection) grounds.
Fair Trading (Petroleum Retail Marketing) Act 1995	JACS		Full public review completed.	Act repealed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Fair Trading Act 1992	JACS	Registration and mandatory codes of practice for bodyguards, security guards, cash transit industry, crown marshals, and guard and patrol services, entry requirements (competency, character - criminal record check), the reservation of practice, disciplinary processes, and business licensing.	Intradepartmental review completed in September 2001. Review concluded that the Act does not restrict competition. Minor amendments proposed.	Amendments included in the Fair Trading (Amendment) Act 2001.
Family Provision Act 1969	JACS	Act assessed as not restricting competition.	Review not required.	
Fertilizers Act 1904 (NSW) in its application in the Territory	JACS	Prohibits sale of fertilizers unless with a statement of composition.	Review, by officials, completed in 1999.	Act to be retained.
Financial Institutions (Application of Laws) Act 1992	DoT		Review not required.	Act repealed by the Financial Sector Reform (ACT) Act 1999.
Financial Institutions (Removal of Discrimination) Act 1997	DoT	Act assessed as not restricting competition.	Review not required.	
Financial Institutions (Supervisory Authority) Act 1992	DoT		Review not required.	Act repealed by the Financial Sector Reform (ACT) Act 1999.
Financial Institutions Duty Act 1987	DoT		National review completed in 1997.	Act amended to reflect a consistent national approach.
Firearms Act 1996	JACS		Review not required. Part of a national regulatory scheme with separate review mechanisms: legislation is subject to overriding public safety considerations.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Fisheries Act 2000	DUS	Licensing of commercial fishers. Registration of fish dealers. Output controls such as size and bag limits. Input controls on gear.	Act considered via legislation gatekeeping process.	Act replaced the Fishing Act 1967.
Fishing Act 1967	DUS		Review not required.	Act repealed and replaced by the Fisheries Act 2000.
Food Act 1992	ACT Health	Provides for various food safety offences. Provides for licensing of food businesses. Requires food to meet prescribed food standards.	National review completed in 2000 (see the NSW Food Act 1989).	All Australian governments agreed in November 2000 to adopt core provisions of the Model Food Bill by November 2001. This Act amended accordingly in August 2001.
Freedom of Information Act 1989	JACS	Minor NCP issues.	Intradepartmental review completed in September 2001. Review concluded that the Act is not anticompetitive.	
Fuels Control Act 1979	JACS		Intradepartmental review completed in 1999.	Act to be retained on public benefit test.
Games Wagers and Betting-houses Act 1901 (New South Wales) in its application in the Territory	DoT	Suppression of gaming houses.	Review completed as part of the gambling legislation review. (See the Gaming and Betting Act 1906 (NSW) in its application to the ACT). This Act can be described as a 'prohibition' Act: the Act prohibits certain gambling activities unless those activities are lawful under other laws. As such, the notion of competition does not apply to the substance of these Acts as it does to other gambling acts.	The NCP review did not make any recommendations in relation to this Act, and consequently there is no Government response expected. This Act is now a Territory Statute, not a New South Wales Act. (See the Law Reform (Miscellaneous Provisions) Act 1999).

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Gaming and Betting Act 1906 (New South Wales) in its application in the ACT	CMD	Regulations on gaming, betting and wagering; restricts the holding of race-meetings; and licensing of racecourses.	Review completed as part of the gambling legislation review. This Act can be described as a 'prohibition' Act: the Act prohibits certain gambling activities unless those activities are lawful under other laws. As such, the notion of competition does not apply to the substance of these Acts as it does to other gambling acts.	The NCP review did not make any recommendations in relation to this Act, and consequently there is no Government response expected. This Act is now a Territory Statute, not a New South Wales Act (Law Reform (Miscellaneous Provisions) Act 1999 refers).
Gaming Machine Act 1987	DoT		Review by the ACT Gaming and Racing Commission reported in October 2002. Review recommended restricting the issue of gaming machine licences to clubs and phasing out the licences held by some liquor licence holders. The Government established a Select Committee on gambling to further report on gaming issues. It recommended further research into the social and economic impacts of gaming in the ACT, and a freeze on gaming machine numbers and measures to counter the negative effects of gambling.	The Government is considering the review recommendations. Responding to the review, on 10 February 2004, the ACT Government tabled amending legislation, in the form of the Gaming Machine Amendment Bill 2004, in the Legislative Assembly. The Bill reflects findings of the review that harm minimisation measures are an element of gaming machine legislation and requires all applicants for gaming machines to undertake new social impact assessment requirements. In the interests of allowing competition in the industry, the government has agreed to allow taverns access to modern machines that had previously been the preserve of hotels. Debate on the Bill is scheduled to occur in the first week of March 2004 with enactment expected to occur by mid-2004.
Gas Act 1992	DUS			Act repealed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Gas Levy Act 1991	CMD			Act repealed in 1998.
Gas Supply Act 1998	DUS			Act repealed and replaced by the Gas Safety Act 2000 (in respect of gas installations and appliances past the metering point) and the Utilities Act 2000.
Government Solicitor Act 1989	JACS	Act assessed as not restricting competition.	Review not required.	
Guardianship and Management of Property Act 1991	JACS	Minor NCP issues (conduct requirements).	Intradepartmental review completed in September 2001. Review concluded that the Act is not anticompetitive.	
Hawkers Act 1936	DUS	Licensing, entry requirements (age, good character, fit and proper person), and business conduct (geographic and time restrictions, business structure).	Review, in conjunction with the Collections Act 1959, by Allen Consulting Group completed in April 2000. Review involved targeted public consultation with issues paper, meetings and submissions. Review recommended: refocusing legislation on land use and continuing positive licensing for hawkers operating from a single location, but having negative licensing for mobile hawkers; removing restrictions on number of vehicles a hawker can operate, number of people hawkers can employ and their age; removing 180-metre exclusion zone from traditional shops, and regulating health, liquor and contraband goods via other legislation.	The Government supports the major recommendations of the review, but will retain the 180 metre exclusion zone around shops. The Hawkets Act 2003, which repeals the Hawkets Act 1936, commences in September 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Health Act 1993	ACT Health	Limits conduct.	Intradepartmental review completed in December 1999. Review found that the restrictions did not apply to an organised pattern of activity and no commercial activity relating to the release or disclosure of information could be identified. The review concluded that the legislation did not impose restrictions on competition.	Act retained without reform.
Health and Community Care Services Act 1996	ACT Health	Restricts management of resources and interests.	Intradepartmental review completed in December 2000. Review identified that the restrictions primarily concerned the sound management of Territory resources and interests. The review further identified that there were difficulties in identifying the restrictions as anti-competitive. The conclusion was that the legislative restrictions provided an overall community benefit and were on balance significantly higher than any cost of compliance with the legislation.	Act retained without reform.
Health Complaints Act 1993	ACT Health		Review not required.	Act replaced by the Community and Health Services Complaints Act 1993.
Health Promotion Act 1995	ACT Health	Limits functions to which board monies can be applied.	Intradepartmental review completed in December 2000. Review did not sustain initial audit view that restrictions on competition may have been present in the legislation.	Act retained without reform.
Health Records (Privacy and Access) Act 1997	ACT Health	Limited restrictions on competition.	Intradepartmental review completed in December 1999. Review did not support the initial audit view that anti-competitive restrictions may apply. Restrictions do not relate to a market/commercial activity.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Heritage Objects Act 1991	DUS		Review not required. Following the decision to develop new legislation for the regulation of heritage matters, this Act has been withdrawn from the NCP program. The new legislation will be subject to normal scrutiny in relation to anticompetitive effects through preparation of the RIS.	
Hotel School Act 1996	CMD	Act assessed as not restricting competition.	Review not required.	
Housing Assistance Act 1987	DDHCS	Act assessed as not restricting competition.	Consultants' review completed in March 2002. No competitive restrictions identified.	Administrative recommendations relating to the re-wording of the Act's objectives, removing currently unused housing programs and organisational re-structuring of Australian Capital Territory housing not accepted.
Inebriates Act 1900 (NSW) in its application in the Territory	ACT Health	Sections 10 and 14 could restrict competition by licensing and regulating institutions.		Act repealed.
Inebriates Act 1938	ACT Health	Act assessed as not restricting competition.	Review not required.	Act repealed.
Innkeepers' Liability Act 1902 (New South Wales) in its application in the Territory	JACS		Intradepartmental review completed in 1999. The Act limits the liability for innkeepers ameliorating a common law 'strict liability' which otherwise would apply to them. As 'strict liability' is not to be removed, the limitation of liability should remain.	Act retained without reform.
Institute for the Study of Man and Society Incorporation Act 1968	JACS	Act assessed as not restricting competition.	Review not required.	Act to be repatriated back to the Australian Government.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Interactive Gambling Act 1998	DoT	Licensing, conduct	Review by ACT Gambling and Racing Commission under way. Completion of review dependent on outcomes of Australian Government review of its Interactive Gambling Act 2001.	The Australian Government has advised that a draft report of the review of the Interactive Gambling Act 2000 will be provided to the relevant Minister in late February 2004.
Intoxicated Persons (Care and Protection) Act 1994	ACT Health	The Act contains restrictions on competition in terms of requirements that 'sobering up' shelters must be licensed.	Intradepartmental review completed in December 2000. Review identified that the restrictions were a sustainable public benefit.	Act retained without reform.
Judgment Creditors Remedies Act 1933	JACS		Intradepartmental review completed in 1999. Act assessed as not restricting competition.	
Judiciary (Stay of Proceedings) Act 1933	JACS	Act assessed as not restricting competition.	Review not required.	
Juries Act 1967	JACS	Act assessed as not restricting competition.	Review not required.	
Lakes Act 1976	DUS	The only significant restriction is the limitation on commercial activity in a lake area.	Review completed in 2000. The low cost of the restriction was considered justified by the protection afforded to lakes areas, and by the way it ensures that commercial operators in lakes areas gain no competitive advantage over those operating in normal commercial areas.	No competition related action required.
Land (Planning and Environment) Act 1991- Part III (heritage provisions)	DUS		Review not required. Following the decision to develop new legislation for the regulation of heritage matters, this Act has been withdrawn from the NCP program. The new legislation will be subject to normal scrutiny in relation to anticompetitive effects through preparation of the RIS.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Land (Planning and Environment) Act 1991- Parts V and VI	DUS	Direct granting of leases by non-competitive means and development approvals process.	Review completed in May 2000. Review recommendations include improving transparency in the provision of direct grants and considering introducing a notification scheme for developments that are relatively minor and unlikely to be opposed by the government agency or to require conditions.	The Government issued a formal response to the review, agreeing in principle to most recommendations. Amending regulation signed on 25 January 2001.
Land Acquisition (Northbourne Oval) Act 1996 - No 84 of 1996	DUS		Targeted public review, in conjunction with the Lands Acquisition Act 1994, completed in 2000. Act assessed as not restricting competition.	Act retained without reform.
Land Titles (Unit Titles) Act 1970	JACS	Minor NCP issues (imposes a conduct requirement).	Review not required. Act assessed as not restricting competition.	
Land Titles Act 1925	JACS	Minor NCP issues (imposes conduct requirements).	Review not required. Act assessed as not restricting competition.	
Landlord and Tenant Act 1899 (New South Wales) in its application in the Territory	JACS			Act repealed by the Residential Tenancies Act 1997.
Landlord and Tenant Act 1949	JACS			Act repealed by the Residential Tenancies Act 1997.
Lands Acquisition Act 1994	DUS		Targeted public review, in conjunction with the Land Acquisition (Northbourne Oval) 1996 Act, completed in 2000. Act assessed as not restricting competition.	Act retained without reform.
Law Reform (Manufacturers Warranties) Act 1977	JACS		Act assessed as not restricting competition.	Act repealed by the Fair Trading (Amendment) Act 2001 because it duplicates more extensive provisions in the Trade Practices Act.
Law Reform (Misrepresentation) Act 1977	JACS		Act assessed as not restricting competition.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Lay-by Sales Agreements Act 1963	JACS	Imposes conduct restrictions.	Intradepartmental review completed in July 2000. Review concluded that costs are minor and public benefit is high.	Act retained without reform.
Legal Aid Act 1977	JACS		Review not required. Act assessed as not restricting competition.	
Legal Practitioners Act 1970	JACS	Licensing, registration, entry requirements, disciplinary processes, reservation of title and practice, and business conduct (including professional indemnity insurance (two providers), ownership, locally registered foreign legal practitioner advertising (should not be false, misleading or deceptive or suggest legal practitioner is domestic)).	<p>Targeted public review under way. Review being undertaken in two stages by the Department. Stage 1 options paper canvassing options for reform concerning admission and licensing of legal practitioners, complaints and discipline released in November 1999, with submissions sought. Government is considering submissions.</p> <p>A Stage 2 options paper, canvassing reform issues relating to business structures including multi-disciplinary practices, fee setting, insurance and the statutory interest account was to have been released in 2001. However, review of the Legal Practitioners Act 1970 has now ceased. Further review and reform activity will occur at a national level (under the auspices of SCAG) to ensure a uniform and nationally consistent framework for this industry.</p>	As an interim measure, pending the outcome of the national model laws project, the ACT amended the Act to introduce a second insurance provider in 1999. The ACT expects to repeal its existing legislation when a nationally consistent form of legislation has been determined following the national review process involving the Standing Committee of Attorneys General.
Legislation (Republication) Act 1996	JACS		Intradepartmental review completed in 1999. Minor issues.	Act to be retained on public benefit test. Act replaced by the Legislation Act 2001.
Liquor Act 1975 (except subsections 42E(2) and 42E(4))	JACS	Regulates the sale of liquor via licences.	Intradepartmental review completed in 2001. Minor amendments to Act recommended. Act assessed as not substantially impacting on competition.	Act maintained on public benefit grounds. Minor amendments included in the Justice and Community Safety Legislation Act 2001.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Liquor Act 1975 (subsections 42E(2) and 42E(4))	CMD	Relates to procedures if a licence holder fails to pay liquor taxes.	Intradepartmental review completed in 2001. Minor amendments to Act recommended. Act assessed as not substantially impacting on competition.	Act maintained on public benefit grounds. Minor amendments included in the Justice and Community Safety Legislation Act 2001.
Listening Devices Act 1992	JACS		Intradepartmental review completed in 1999. Act to be retained on public benefit test. Minor issues.	Act to be retained on public benefit test.
Litter Act 1977	DUS		Targeted public review, in conjunction with the Roads and Public Places Act 1937, completed in 2000. Review concluded that in terms of the requirements under NCP guidelines: the Act marginally restricts business for businesses dependent on flyer and bill advertising; the public protection benefits of the Act outweigh any marginal impact on competition; and no feasible non legislative options were found which can achieve the same level of public benefits.	The Government accepted the review recommendations.
Long Service Leave (Building and Construction Industry) Act 1981	CMD		Targeted public review completed in 1999. Act assessed as not restricting competition. Final review report available at www.act.gov.au/urbanservices .	Act to be retained without reform.
Long Service Leave Act 1976	CMD	Act assessed as not restricting competition. Act bestows employee benefits.	Review not required.	Act retained without reform.
Lotteries Act 1964	DoT		Review completed in 1998. Review found that the current duopoly is no barrier to new entrants and recommended no change to the legislation.	The Government endorsed most of the review recommendations. The Government expects to pass amendments, not related to the NCP, to modernise the legislation, by June 2004.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Machinery Act 1949	CMD			Act repealed and replaced by the Occupational Health and Safety (Amendment) Act 1997.
Magistrates Court Act 1930	JACS	Act assessed as not restricting competition.	Review not required.	
Meat Act 1931	ACT Health	Requires Ministerial permission for certain meat processing activities.		Act repealed by the Food Act 2001.
Mediation Act 1997	JACS	Act assessed as not restricting competition.	Review not required.	
Medical Practitioners Act 1930	ACT Health	Restriction on entry, registration, title, practice, advertising, and disciplinary provisions.	Review of health practitioner legislation completed in March 2001. Issues paper released in May 1999. Discussion paper released in December 1999. Review found a net public benefit in retaining title protection (and associated entry standards). Review did not establish an overwhelming benefit in maintaining scope of practice restrictions. Review recommended recasting provisions relating to standards of conduct as specific, unambiguous conduct requirements that have an identifiable and direct public/protection role. Review recommended replacing current advertising restrictions with a prohibition on misleading advertising. Review also made regulatory reform recommendations in relation to reviews of board decisions, and the involvement of independent bodies in conducting disciplinary hearings.	The Government considered the review reform proposals and agreed to the drafting of revised legislation. The Health Professionals Bill 2003, which will repeal existing health professionals Acts and replace them with a consolidated Act, was introduced to the Legislative Assembly on 11 December 2003, and is scheduled for debate in March 2004. Enactment is expected by June 2004.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Medical Records (Access and Privacy) Act 1997	ACT Health		Review, in conjunction with the Health Records (Access and Privacy) Act 1997, completed in December 1997.	Act retained without reform.
Medical Services (Fees) Act 1984	ACT Health	Restricts the fees payable for the treatment of private patients in public hospitals.	Review not required. Legislation relates to an intergovernmental financial arrangement.	Act retained without reform.
Mental Health (Treatment and Care) Act 1994	ACT Health	Restrictions on competition throughout Act. Restrictions relate to the Mental Health Tribunal powers to direct where a person with a mental health dysfunction will be detained, restrictions on the use of convulsive therapy and psychiatric surgery, and requirements that private psychiatric facilities be licensed.	Intradepartmental review completed in December 2000. Review demonstrated an overall public benefit of the restrictions.	Act retained without reform.
Mercantile Law Act 1962	JACS		Intradepartmental review completed in 1999.	Archaic provisions repealed.
Milk Authority Act 1971	DUS	Retail price controls. Licensing of home vending. Canberra Milk Authority required to buy milk from the sole ACT producer.	Review by officials completed in 1998. Review recommended: <ul style="list-style-type: none"> • separation of Authority's regulatory and commercial roles; • retention of retail price controls until mid-2000; • reform of home vending arrangements; and • retention of compulsory acquisition of ACT milk. 	The Government initially accepted the review recommendations. In line with the March 2000 communiqué signed by all Australian Agriculture and Primary Industries Ministers committing to a national approach to dairy reform, the ACT passed the Milk Authority Repeal Act 2000 on 23 May 2000, deregulating its milk arrangements from 1 July 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Motor Omnibus Services Act 1955	DUS		Review not required.	Act repealed by the Road Transport (Public Passenger Services) Act in December 2001. This Act requires ACTION to become an accredited bus operator. In addition, the ACTION Authority Act 2001 was commenced on 1 January 2002. The Act establishes ACTION as a statutory authority with governing board and includes provisions for the transfer of staff and assets.
Motor Traffic Act 1936 - Part 1 of 2	DUS	Compulsory third party insurance provisions.	Review not required.	Legislation retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Motor Traffic Act 1936 - taxi and hire car provisions – Part 2 of 2	DUS	Limitation on number of taxi and hire car licences.	<p>NCP review completed in March 2000. On licence quotas, review recommended:</p> <ul style="list-style-type: none"> • immediate removal of restrictions on supply of taxi and hire car licences; and • full compensation to licence holders via a licence buy-back, with compensation to be funded via consolidated revenue or a long term licence fee regime. <p>The ICRC released its report in June 2002. It endorses removal of supply restrictions and proposes three options for compensation (it does not recommend any particular option).</p>	<p>In December 2000, the Government announced it would be releasing 10 new Wheelchair Accessible Taxi licences. The Government has agreed with New South Wales to allow 16 New South Wales taxis in the ACT. In December 2002, the Government announced that an additional 5 per cent of taxi licences would be issued each year, subject to a reserve price (90 per cent of market value). New hire car licences are to be released according to a similar formula, at a rate of 10 per cent for the first two years. The first auction was scheduled for August 2003, but has been delayed because the Legislative Assembly has directed the amending legislation to a Standing Committee, which considered it over the period to December 2003.</p> <p>The Committee’s report was provided to the Government on 17 December 2003 and did not fully endorse the Government’s proposed approach to taxi and hire car deregulation. A response to the Committee’s report is currently being drafted.</p>
Motor Vehicles (Dimensions and Mass) Act 1990	DUS	Act assessed as not restricting competition.	Review not required.	
National Environment Protection Council Act 1994	DUS	Act assessed as not restricting competition.	Review not required.	Act retained without reform.
National Exhibition Centre Trust Act 1976	CMD	Act assessed as not restricting competition.	Review not required.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Nature Conservation Act 1980	DUS	Controls on commerce in animals and plants.	Targeted public review completed in 1999. Review found that these restrictions would be justified provided that the lists of protected and exempt plants were reviewed to ensure that entries were justifiable on conservation grounds.	<p>A review of the Act was completed in June 1999 and determined that provisions within the legislation were consistent with the objectives of the Act and necessary to conserve the ACT's biodiversity for current and future generations.</p> <p>However, several of the schedules of protected and controlled flora and fauna were out of date or considerably more restrictive than in other jurisdictions. Subsequently, a review of the schedules was undertaken to ensure that only those animals or plants necessary to conserve local biodiversity were granted protection under the Act and that flora and fauna commercial and hobby activities were not adversely affected. The revised schedules were prepared and tabled in the Legislative Assembly in June 2002.</p>
Noise Control Act 1988	DUS			Act repealed by the Environment Protection Act 1997.
Notaries Public Act 1984	JACS	Act assessed as not restricting competition.	Review not required.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Nurses Act 1988	ACT Health	Restrictions on entry, registration, title, and disciplinary provisions.	Review of health practitioner legislation completed in March 2001. Review found a net public benefit in retaining title protection (and associated entry standards). Review did not establish an overwhelming benefit in maintaining scope of practice restrictions. Review recommended recasting provisions relating to standards of conduct as specific, unambiguous conduct requirements that have an identifiable and direct public/protection role. Review recommended replacing current advertising restrictions with a prohibition on misleading advertising. Review also made regulatory reform recommendations in relation to reviews of board decisions, and the involvement of independent bodies in conducting disciplinary hearings. The review did not make any recommendations regarding the regulation of nurses.	<p>The Government considered the review reform proposals and agreed to the drafting of revised legislation.</p> <p>The Health Professionals Bill 2003, which will repeal existing health professionals Acts and replace them with a consolidated Act, was introduced to the Legislative Assembly on 11 December 2003, and is scheduled for debate in March 2004. Enactment is expected by June 2004.</p>
Oaths and Affirmations Act 1984	JACS	Act assessed as not restricting competition.	Review not required.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Occupational Health and Safety Act 1989	CMD	Act assessed as not restricting competition.	<p>Review, in conjunction with the Dangerous Goods Act 1984, the Scaffolding and Lifts Act 1957 and the Machinery Act 1949, under way.</p> <p>Review examining the development of an integrated performance-based regulatory regime for workplace safety, dangerous goods and those areas currently regulated under the Scaffolding and Lifts Act and the Machinery Act, in line with agreements reached in 1991 by Premiers and Chief Ministers that jurisdictions would pursue the development of nationally uniform, flexible and performance-based regulations under parent occupational health and safety legislation.</p> <p>RIS issued for consultation comments. Following the October 2001 election, the Government continuing to progress the review and the ACT Occupational Health and Safety Council are shortly to consider the issue and report to the Government.</p>	<p>The Government commenced a new review of the Act which will progress the general objective of achieving an integrated and modernised regulatory regime.</p> <p>Amending legislation in the form of the Occupational Health and Safety Amendment Bill 2004 was introduced into the Legislative Assembly on 12 February 2004.</p>
Ombudsman Act 1989	JACS	Act assessed as not restricting competition.	Review not required.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Optometrists Act 1956	ACT Health	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	Review of health practitioner legislation completed in March 2001. Review found a net public benefit in retaining title protection (and associated entry standards). Review did not establish an overwhelming benefit in maintaining scope of practice restrictions. Review recommended recasting provisions relating to standards of conduct as specific, unambiguous conduct requirements that have an identifiable and direct public/protection role. Review recommended replacing current advertising restrictions with a prohibition on misleading advertising. Review also made regulatory reform recommendations in relation to reviews of board decisions, and the involvement of independent bodies in conducting disciplinary hearings.	<p>The Government considered the review reform proposals and agreed to the drafting of revised legislation.</p> <p>The Health Professionals Bill 2003, which will repeal existing health professionals Acts and replace them with a consolidated Act, was introduced to the Legislative Assembly on 11 December 2003, and is scheduled for debate in March 2004. Enactment is expected by June 2004.</p> <p>In addition, legislative amendments are being prepared to allow optometrists to prescribe certain therapeutic ocular drugs. These amendments will come into effect in 2004.</p>
Ozone Protection Act 1991	DUS			Act repealed by the Environment Protection Act 1997.
Parental Leave (Private Sector Employees) Act 1992	CMD	Act assessed as not restricting competition. Act bestows employee benefits.	Review not required.	Act retained without reform.
Partnership Act 1963	JACS	Minor issues.	Intradepartmental review completed in 2000.	Amendments recommended by the review included in the Justice and Community Safety Legislation Amendment Act (No. 2) 2000. Amendments remove a disincentive to Australian Capital Territory partners accepting positions on public or private sector corporate boards.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Pawnbrokers Act 1902 (New South Wales) in its application to the Territory	JACS	Licensing, registration, entry requirements (aged over 18 years, fit and proper person), the reservation of practice, business conduct (prescribed records, public auction unredeemed goods over \$10, cooperation with police).	Intradepartmental review completed in 2001. Review recommended retaining the Act, but amending it to take into account new technology and repealing archaic business rules.	Amendments involving simplified licensing procedures have been agreed to by the Government, and implemented through the Justice and Community Safety Legislation Amendment Act 2002.
Payroll Tax Act 1987	CMD		Initial intradepartmental review completed. Act assessed as not restricting competition. No further review required.	
Periodic Detention Act 1995	JACS	Act assessed as not restricting competition.	Review not required.	
Perpetuities and Accumulations Act 1985	JACS	Act assessed as not restricting competition.	Review not required.	
Pesticides Act 1989	DUS	Prohibits use of pesticides unless registered.		Act repealed and replaced by the Environmental Protection Act 1997. This Act prohibits 'off-label' use unless with a permit and requires authorisation of chemical use in line with review recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Pharmacy Act 1931	ACT Health	Restrictions on entry, registration, title, practice, and disciplinary provisions.	<p>National Review of Pharmacy Regulation (Wilkinson Review) completed in February 2000. Review recommended retaining registration, the protection of title, practice restrictions and disciplinary systems (although with minor changes to the registration systems recommended for individual jurisdictions). Further, the review recommended maintaining existing ownership restrictions, and removing business licensing restrictions. CoAG referred the national review to a senior officials working group, which recommended that CoAG accept most of the national review recommendations (except the recommendation on nonpharmacy ownership of pharmacies by friendly societies and other nonpharmacists that currently own pharmacies).</p> <p>Also part of targeted public review of health practitioner registration Acts. Review completed in March 2001.</p>	<p>Legislation was passed in August 2001 amending the Pharmacy Act to allow pharmacy companies to be registered as pharmacists.</p> <p>Draft legislation is being prepared for government consideration on 9 March 2004 that is designed to allow the operation of friendly society-owned pharmacies in the ACT, utilising the Australian Government's Corporations Act 2001 as the basis to define 'friendly society'. Subsequent introduction into the Legislative Assembly is expected in March/April 2004 with enactment expected by June 2004.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Physiotherapists Act 1977	ACT Health	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review of health practitioner legislation completed in March 2001. Review found a net public benefit in retaining title protection (and associated entry standards). Review did not establish an overwhelming benefit in maintaining scope of practice restrictions. Review recommended recasting provisions relating to standards of conduct as specific, unambiguous conduct requirements that have an identifiable and direct public/protection role. Review recommended replacing current advertising restrictions with a prohibition on misleading advertising. Review also made regulatory reform recommendations in relation to reviews of board decisions, and the involvement of independent bodies in conducting disciplinary hearings.	<p>The Government considered the review reform proposals and agreed to the drafting of revised legislation.</p> <p>The Health Professionals Bill 2003, which will repeal existing health professionals Acts and replace them with a consolidated Act, was introduced to the Legislative Assembly on 11 December 2003, and is scheduled for debate in March 2004. Enactment is expected by June 2004.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Plant Diseases Act 1934	DUS	Restrictions on introduction into the ACT of declared pests and diseases. Destruction of neglected trees. Quarantine control provisions. Specifies particular products for use in controlling fruit fly and aphidae. Specifies particular kinds of packaging. Imposes restrictive standards on fruit for retail sale.	Review in conjunction with the Land (Planning and Environment) Act 1991 (pest plant and animal provisions) completed. Review recommended: <ul style="list-style-type: none"> retaining restrictions on introduction into the ACT of declared pests and diseases, provisions relating to the destruction of neglected trees and quarantine control provisions; repealing provisions that specified particular products for use in controlling fruit fly and aphidae, particular kinds of packaging, and that imposed inappropriate and unduly restrictive standards on fruit for retail sale; and retaining provisions relating to pest plant and animals. 	Amending legislation, the Plant Diseases Act 2002, passed in December 2002.
Plumbers, Drainers and Gasfitters Board Act 1982	DUS	Licensing, registration, entry requirements (skills, qualifications, experience, age 18 years or over, fit and proper), reservation of practice (install or fit fire-fighting sprinkler system, sanitary plumbing work, water supply plumbing work, laying or repairing drains, install/repair/inspect/test consumer natural gas piping systems and gas appliances), and disciplinary processes.	Targeted public review, in conjunction with the Electricity Act 1971 (electricians licensing), and the Building Act 1972, by Allen Consulting Group completed in August 2000. Review focused on regulation of building occupations and insurance arrangements. Review recommended legislation should be replaced by a single new Act for licensing of builders, electricians, plumbers, drainers and gasfitters; existing boards be abolished and replaced by a single Registrar supported by separate advisory panels; various changes to remove duplication and streamline licensing arrangements; and changes to disciplinary system.	See the Building Act 1972. The Construction Occupations (Licensing) Bill 2003 was introduced into the Legislative Assembly on 20 November 2003. The Bill is scheduled for debate in early March 2004 with enactment expected to occur by mid-2004. The Bill introduces significant reforms to the regulation of building and construction industry trades and implements the recommendations of the National Competition Policy review of Occupational Licensing in the ACT, which reflected reform proposals that have been considered over a number of years.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Podiatrists Act 1994	ACT Health	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review of health practitioner legislation completed in March 2001. Review found a net public benefit in retaining title protection (and associated entry standards). Review did not establish an overwhelming benefit in maintaining scope of practice restrictions. Review recommended recasting provisions relating to standards of conduct as specific, unambiguous conduct requirements that have an identifiable and direct public/protection role. Review recommended replacing current advertising restrictions with a prohibition on misleading advertising. Review also made regulatory reform recommendations in relation to reviews of board decisions, and the involvement of independent bodies in conducting disciplinary hearings.	<p>The Government considered the review reform proposals and agreed to the drafting of revised legislation.</p> <p>The Health Professionals Bill 2003, which will repeal existing health professionals Acts and replace them with a consolidated Act, was introduced to the Legislative Assembly on 11 December 2003, and is scheduled for debate in March 2004. Enactment is expected by June 2004.</p>
Poisons Act 1933	ACT Health	Restricts the sale and storage of poisons and biological substances.	Part of Galbally Review. Draft review report released on 11 September 2000. Final review report given to the AHMC in early 2001. It found a net benefit from regulating drugs, poisons and controlled substances, but also found that controls could be reduced in some areas, efficiency improved, and nonlegislative policy responses used in some areas.	<p>The AHMAC established a Working Party to develop a draft response for CoAG consideration. The working party's draft response, which has been endorsed by AHMAC, was considered by the Primary Industries Ministerial Council before being forwarded to CoAG.</p> <p>The response was endorsed by AHMC out of session in October 2003 and is expected to be considered by CoAG, together with the Galbally report, in early 2004. The ACT is awaiting CoAG's final response before commencing legislative changes.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Poisons and Drugs Act 1978	ACT Health		Part of Galbally Review. Draft review report released on 11 September 2000. Final review report given to the AHMC in early 2001. AHMAC Working Party considered review and reported back to Health Ministers in June 2002.	See the Poison Act 1933. AHMAC established a Working Party to develop a draft response for CoAG consideration. The working party's draft response, which has been endorsed by AHMAC, was considered by the Primary Industries Ministerial Council before being forwarded to CoAG. The response was endorsed by AHMC out of session in October 2003 and is expected to be considered by CoAG, together with the Galbally report, in early 2004. The ACT is awaiting CoAG's final response before commencing legislative changes.
Pool Betting Act 1964	DoT	Approvals for conduct of pool betting competitions, restrictions on advertising and other conduct, possible supervision of competitions, levies and probity of financial arrangements.	Review completed in 1998. Review found that the current duopoly is no barrier to new entrants and recommended no change to the legislation.	The Government accepted the recommendation.
Pounds Act 1928	DUS	Establishes government operated pounds. Confers differential benefits on market participants as to impounding stock depending on what stock they keep and where their property is located.	Review by officials, in conjunction with the Animal Diseases Act 1993 and the Stock Act 1991, completed. Review found the restrictions to be in the public interest. No reform recommended.	Act retained without reform.
Powers of Attorney Act 1956	JACS	Act assessed as not restricting competition.	Review not required.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Presbyterian Church (Proposals for Union with other Churches) Act 1972	JACS	Act assessed as not restricting competition.	Review not required.	
Presbyterian Church Trust Property Act 1971	JACS		Intradepartmental review completed in 1999. Review concluded that to the extent that the Act does not give the church a commercial advantage, the Act does not have an anticompetitive effect.	Act retained without reform.
Printing and Newspapers Act 1961	JACS		Intradepartmental review completed in 1999.	Act repealed.
Proceeds of Crime Act 1991	JACS	Minor NCP issues (imposes conduct requirements).	Intradepartmental review completed in October 2000. The Act has a high public benefit. While competition policy issues have been identified, the legislation is justified on a cost-benefit basis. Some changes may be desirable having regard to any changes to Australian Government legislation.	Act retained without reform.
Prohibited Weapons Act 1996	JACS		Review not required. Part of a national regulatory scheme subject to separate review requirements. Legislation is subject to overriding public safety considerations.	
Prostitution Act 1992	JACS		Intradepartmental review completed in August 2000. Review found that regulation of prostitution is necessary to address public health concerns and protect children from exploitation, and that the benefits outweigh its cost to business.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Protection of Lands Act 1937	DUS	Act assessed as not restricting competition.	Interdepartmental review. Following preliminary review work, the Trespass on Territory Land, the Enclosed Lands and the Recovery of Lands Acts removed from joint review as no competition restrictions identified.	Act repealed on 29 March 2001.
Psychologists Act 1994	ACT Health	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review of health practitioner legislation completed in March 2001. Review found a net public benefit in retaining title protection (and associated entry standards). Review did not establish an overwhelming benefit in maintaining scope of practice restrictions. Review recommended recasting provisions relating to standards of conduct as specific, unambiguous conduct requirements that have an identifiable and direct public/protection role. Review recommended replacing current advertising restrictions with a prohibition on misleading advertising. Review also made regulatory reform recommendations in relation to reviews of board decisions, and the involvement of independent bodies in conducting disciplinary hearings.	The Government considered the review reform proposals and agreed to the drafting of revised legislation. The Health Professionals Bill 2003, which will repeal existing health professionals Acts and replace them with a consolidated Act, was introduced to the Legislative Assembly on 11 December 2003, and is scheduled for debate in March 2004. Enactment is expected by June 2004.
Public Baths and Public Bathing Act 1956	DEYFS	Act assessed as not restricting competition.	Review not required.	
Public Health (Miscellaneous Provisions) Act 1997	ACT Health	Limited restrictions on competition.	Review not required.	Act repealed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Public Health (Prohibited Drugs) Act 1957	ACT Health	Limits business conduct.	Review completed. Part of Galbally Review. Draft review report released on 11 September 2000. Final review report given to the AHMC in early 2001.	AHMAC established a Working Party to develop a draft response for CoAG consideration. The working party's draft response, which has been endorsed by AHMAC, was considered by the Primary Industries Ministerial Council before being forwarded to CoAG. The response was endorsed by AHMC out of session in October 2003 and is expected to be considered by CoAG, together with the Galbally report, in early 2004. The ACT is awaiting CoAG's final response before commencing legislative changes.
Public Health Act 1928	ACT Health			Act repealed by the Public Health Act 1997.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Public Health Act 1997	ACT Health	Limits conduct.	The ACT commenced a process of reviewing its public health legislation by introduction of the Public Health Act 1997. This legislation established a template for the management of health risk activities or procedures through a Code of Practice approach. As codes of practice are developed existing health risk management provisions that are under the former Public Health Act 1928 repealed. The revised legislative approach while more focussed on outcomes, stakeholder collaboration and the currency of the health risk, retains potential restrictions on approval, activity and conduct. Accordingly the revised legislation has potential to impose costs and restrict competition. A departmental review has been completed that identifies the anticompetitive provisions that arise through the application of the Act to health risk activities and procedures.	Amendment Bill May 2000 (subsequently passed) introduced some negative licensing provisions to address the anticompetitive provisions identified in the review. Reforms (in the form of introducing codes of practice) were introduced on an incremental basis as the Public Health Act 1928 is progressively repealed. These included: <ul style="list-style-type: none"> • swimming and spa pools (1999); • drinking water, cooling towers and hairdressing (2000); and • health care facilities (2001).
Public Parks Act 1928	DUS		Review, in conjunction with the Lakes Act 1976, completed.	Act repealed by the Statute Law (Amendment) Act 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Public Sector Management Act 1994	DoT	Requirement that permanent ACT government employees join the Australian Government Superannuation Scheme as 'eligible employees' under the Australian Government's Superannuation Act 1976. The Public Sector Management Act allows appointees to the ACT Senior Executive Service to join any approved superannuation fund, unless already members of the Australian Government scheme.	<p>The ACT has not reviewed its superannuation arrangements as it is constrained in its capacity to offer a choice of superannuation provider to its permanent public servants until the position of the Australian Government's superannuation legislation has been resolved.</p> <p>The passage of amending Australian Government legislation providing for choice of superannuation fund was not passed by the Senate following its introduction in 2001. In December 2003, the Australian Government released an exposure draft of a paper relating to possible amendment to the Public Sector Superannuation (PSS) scheme. The paper specifically noted that changes to superannuation arrangements did not include providing for choice of fund.</p>	Until reform issues regarding the Australian Government's legislation have been settled, review and any subsequent reform in the ACT is not possible.
Public Trustee Act 1985	JACS	Prohibits other than Trustee companies to act as Public Trustee.	Intradepartmental review completed in August 2000. The Public Trustee performs functions that benefit greatly the wider community. A number of minor non-competition issues (concerning the ambit of the Trustee's discretion) were identified for further consideration.	Act retained without reform.
Rabbit Destruction Act 1919	DUS			Act repealed by the Land (Planning and Environment) (Amendment) Act 1997 (No.7) and relevant provisions transferred to the Land (Planning and Environment) Act 1991.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Race and Sports Bookmaking Act 2001	DoT		Review of Bookmakers Act 1985 resulted in the new Race and Sports Bookmaking Act 2001.	<p>Act repealed and replaced the Bookmakers Act 1985. This Act:</p> <ul style="list-style-type: none"> • removes the requirement for racing club approval to grant bookmakers licences; • removes racing club-specific restrictions on bookmakers licences; • allows an independent authority (the Australian Capital Territory Gambling and Racing Commission) to assess licence applications; • removes limitations on phone betting; • removes the requirement for sports bookmakers licence (or agents licence) holders to first obtain a standing bookmakers licence; • removes the limit on the number of sports bookmaking licences granted; • allows for flexibility in the location of betting office operations; and • relates the size of the betting security guarantee to the amount of risk. <p>Arrangements fully implemented except for the sports' bookmakers security guarantee. This item is expected to be finalised in 2003-04.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Racecourses Act 1935	DoT		Review not required.	Act repealed and provisions incorporated in new racing legislation - the Racing Act 1999.
Racing Act 1999	DoT	Regulates thoroughbred racing, harness racing and greyhound racing conducted for the purpose of betting, and for related purposes; including restrictions on holding race meetings and setting up controlling bodies for each racing mode.	New legislation. RIS completed.	Act passed in 2000 and commenced in June 2001.
Radiation Act 1983	ACT Health		National review completed.	The Radiation Health Committee of the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) is shortly expected to release the draft of the National Directory for Radiation Protection (NDRP) for the second, and last, round of public comments. Flowing from the NCP review of radiation protection legislation undertaken by ARPANSA, the NDRP will provide the 'best practice' template for jurisdictions to make legislative amendments to incorporate the findings agreed to by the Australian Health Ministers' Conference in September 2002. Contingent upon approval of the final draft of the NDRP by the Australian Health Ministers' Conference, the NDRP is expected to be available in the second half of 2004 and amendments to the Radiation Act 1983 will be dependent on the final form of that document.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Rates and Land Rent (Relief) Act 1970	DoT		Intradepartmental review completed in 1998. Act assessed as not restricting competition. No further review required.	
Rates and Land Tax Act 1926	DoT		Intradepartmental review completed in 1998. Act assessed as not restricting competition — no further review required.	
Rates and Land Tax Act 1986	DoT		Intradepartmental review completed in 1998. Act assessed as not restricting competition — no further review required.	
Real Property (Unit Titles) Act 1970	JACS		Review not required.	Act repealed.
Recovery of Lands Act 1929	DUS		Intradepartmental review completed. Act assessed as not restricting competition.	Act retained without reform.
Registration of Births, Deaths and Marriages Act 1963	JACS		Review not required.	Act repealed.
Registration of Deeds Act 1957	JACS		Intradepartmental review completed in 1999. Act assessed as not restricting competition.	Act retained without reform.
Registration of Interests in Goods Act 1990	JACS		Intradepartmental review completed in 2000. Act assessed as not restricting competition.	Act repealed by the Sale of Motor Vehicles Amendment Bill 2000.
Road Transport (Driver Licensing) Act 1999	DUS	Licensing, entry requirements (accreditation: skills, completed training course, aged at least 21 years, suitable person, medically fit), the reservation of practice, and business conduct (vehicle requirements unless vehicle provided by person under instruction, display certificate).	New legislation introduced to meet national reform requirements.	Road Transport (Driver Licensing) Regulations 2000 introduced to meet national reform requirements.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Road Transport (General) Act 1999	DUS	Mandatory insurance, licensing of insurers, setting fees, implementing National Road Transport Commission Agreements.	Review not required. Legislation allows the Government to approve multiple insurers.	
Road Transport (Public Passenger Services) Act 2001	DUS		<p>RIS completed.</p> <p>The 'NCP Review of ACT Taxi and Hire Car Legislation' was prepared by Freehills Regulatory Group. Recommendations included the introduction of accreditation for taxi operators and networks, the removal of cross border restrictions, and the removal or loosening of licence supply constraints through transitional adjustments.</p>	<p>Act provides for the accreditation of bus operators and allows the Government to enter into contracts to provide regular public passenger transport services in the ACT. Act also provides for accreditation of taxi networks and taxi operators.</p> <p>The Road Transport (Public Passenger Services) Amendment Bill 2003 would repeal these provisions and provide for the specification in regulation of a process for the release of licences at auction in accordance with a formula.</p> <p>The 2003 amendment Bill was referred to a Legislative Assembly Standing Committee which was given until December 2003 to report. The Committee's report was provided to the Government on 17 December 2003 and did not fully endorse the Government's proposed approach to taxi and hire car deregulation. A response to the Committee's report is currently being drafted.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Roads and Public Places Act 1937	DUS		Targeted public review, in conjunction with the Litter Act 1977, completed in 2000. Final review report concluded that in terms of the requirements under NCP guidelines the Act does restrict business to some extent in terms of the areas available for commercial activity and through its advertising restrictions. The public protection and safety benefits of the Act outweigh these impacts on competition.	The Government accepted the review recommendations. Act retained without reform.
Roman Catholic Church Property Trust Act 1937	JACS		Intradepartmental review completed in 1999. To the extent that the Act does not give the church a commercial advantage, the Act does not have an anticompetitive effect.	Act retained without reform.
Sale of Goods (Vienna Convention) Act 1987	JACS		Act assessed as not restricting competition.	
Sale of Goods Act 1954	JACS	Imposes conduct requirements inconsistent with the Australian Government TPA.	Intradepartmental review completed in July 2000. Minor amendments identified.	Act amended by the Fair Trading Amendment Act 2001.
Sale of Motor Vehicles Act 1977	JACS	Registration and business conduct of motor vehicle dealers.	Intradepartmental review completed in 2001. Review found a strong public interest case for retaining the regulatory regime, given the risk of the motor vehicle market being used by criminals to pass on stolen goods. Review recommended amending the Act to remove archaic provisions.	The Government implemented the review recommendations through the Justice and Community Safety Legislation Amendment Act 2001.
Salvation Army Property Trust Act 1934	JACS		Intradepartmental review completed in 1999. Minor issues. To the extent that the Act does not give the church a commercial advantage, the Act does not have an anticompetitive effect.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Scaffolding and Lifts Act 1957	CMD		Review, in conjunction with the Occupational Health and Safety Act 1989, completed.	Act repealed by the Occupational Health and Safety (Amendment) Act 1997.
Scaffolding and Lifts Act, 1912-1948 (New South Wales) in its application in the Territory	CMD		Review, in conjunction with the Occupational Health and Safety Act 1989, completed.	Act repealed by the Occupational Health and Safety (Amendment) Act 1997.
Second-hand Dealers and Collectors Act 1906 (New South Wales) in its application in the Territory	JACS	Licensing, registration, entry requirements (aged over 18 years, fit and proper person), the reservation of practice (persons who deal in certain second-hand goods), and business conduct (prescribed records, holding of goods for prescribed period, cooperation with police).	Departmental review completed in 2000. Recommended: updating definition of second-hand goods; altering business conduct requirements to take into account new technology; and repealing a number of the business rules in the legislation and repealing provisions dealing with the licensing and regulation of collectors.	The Government accepted the review recommendations. Amendments passed by Assembly in the Justice and Community Safety Legislation Amendment Act (No. 2) 2001.
Sexually Transmitted Diseases Act 1956	ACT Health		Review completed in 2002.	Act to be retained on public health grounds.
Skin Penetration Procedures Act 1994	ACT Health		Review not required.	Act repealed.
Small Claims Act 1974	JACS		Review not required.	Act repealed.
Smoke-free Areas (Enclosed Public Places) Act 1994	ACT Health	Prohibits or restricts smoking in enclosed public places.	Review completed in June 2002. Review recommended maintaining restrictions on public interest (public health) grounds.	Act retained without reform.
Stamp Duties and Taxes Act 1987	DoT		Intradepartmental review completed in 1998. Act assessed as not restricting competition. No further review required.	
Standard Time and Summer Time Act 1972	CMD	Act assessed as not restricting competition.	Review not required.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Stock Act 1991	DUS	The Government determines stock carrying capacity for rural leases (which affects the level of the stock levy imposed). Restricts the movement of stock.	Review, in conjunction with the Animal Diseases Act 1993 and the Pounds Act 1928, completed. Review found the restrictions to be in the public interest. No reform recommended.	Act retained without reform.
Subordinate Laws Act 1989	JACS		Intradepartmental review completed in 1999. Act assessed as not restricting competition.	Act retained without reform.
Substitute Parent Agreements Act 1994	JACS		Intradepartmental review completed in 1999. Minor issues.	Act to be retained on public benefit test.
Supervision of Offenders (Community Service Orders) Act 1985	JACS	Act assessed as not restricting competition.	Review not required.	
Supreme Court Act 1933	JACS	Act assessed as not restricting competition.	Review not required.	
Surveyors Act 1967	DUS	Licensing, entry restrictions (educational prerequisites), the reservation of title and practice, ability of board (made up of mostly surveyors) to make regulations and undertake disciplinary processes.	Review completed in December 1998. Review recommendations included retaining registration, having less rigorous entry standards and abolishing the board in favour of powers of a Chief Surveyor.	The Government accepted all recommendations but deferred considering removing compulsory postgraduate entry requirements until all jurisdictions have completed their reviews of surveyors legislation. The new Act gives powers to a Commissioner for Surveys (not a Chief Surveyor). A new Surveyors Act 2001 was passed in February 2001. The Act commenced on 26 July 2001.
Tenancy Tribunal Act 1994	JACS		Review not required.	Act repealed by the Leases (Commercial and Retail) Act 2001.
Territory Owned Corporations Act 1990	DoT	Potential (marginal) restrictions on competition in section 18.	Targeted public review completed in 1998. Act assessed as not restricting competition.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Theatres and Public Halls Act 1928	CMD		Review completed in 1998.	Act repealed in March 2001.
Tobacco Act 1927	ACT Health		Review, in conjunction with the Smoke Free Areas (Enclosed Public Places) Act 1994, completed in June 2002. Review recommended maintaining restrictions on public interest (public health) grounds.	Act retained without reform
Tobacco Products (Health Warnings) Act 1986	ACT Health	Restrictions on competition throughout Act.	Targeted public review completed. Review report redrafted to take account of 1999 amendments to the Act.	Act repealed in 2001.
Trade Measurement (Administration) Act 1991	JACS	Act assessed as not restricting competition.	Review not required.	
Trade Measurement Act 1991	JACS		National review completed.	Act adopted recommendations of national review in 2002.
Trading Hours Act 1962	CMD		Intradepartmental review completed.	Legislation repealed.
Trading Stamps Act 1972	JACS	Act assessed as not restricting competition.	Review not required.	
Transplantation and Anatomy Act 1978	ACT Health	Restrictions on trading in human tissue.	Review completed in 2002.	Act to be retained on public interest (maintaining medical ethical standards) grounds.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Trans-Tasman Mutual Recognition Act 1997	CMD		<p>National review completed in 1998.</p> <p>The PC is currently undertaking a review of the Trans-Tasman Mutual Recognition Agreement (TTMRA). Submissions closed on 28 March 2003 and the PC's research paper was released in October 2003. The key finding was that the TTMRA has been effective overall in achieving the objective of assisting the integration of the Australian and New Zealand economies and promoting competitiveness.</p> <p>Currently, there are a number of special exemptions from the TTMRA and are matters primarily involved with public safety. They are: therapeutic goods, hazardous substances, industrial chemicals and dangerous goods, consumer product safety standards, road vehicles standards, gas appliances standards, electromagnetic compatibility and radiocommunications standards. The PC recommended that many of the exemptions should remain, because mutual recognition would erode justified regulatory differences.</p>	<p>A response to the PC's review is currently being prepared for endorsement by CoAG. The ACT's legislation mirrors the Australian Government's; accordingly, any legislative amendments resulting from the review's recommendations will be determined at the Australian Government level.</p>
Trespass on Territory Land Act 1932	DUS	Act assessed as not restricting competition.	Review not required.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Trustee Act 1957	JACS	Minor issues.	Intradepartmental review completed in 1999.	Anticompetitive provisions repealed. Repeal of listed investments in Trustee (Amendment) Bill 1999 to allow a trustee to invest in any form of investment. However, it also requires the trustee to exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons.
Trustee Companies Act 1947	JACS	No competitive restrictions	National review under way.	Act to be repealed by proposed uniform trustee companies legislation drafted for consideration by the Standing Committee of Attorneys-General (SCAG).
Tuberculosis Act 1950	ACT Health		Review completed in 2002.	Act to be retained on public interest (public health) grounds.
Unclaimed Moneys Act 1950	JACS	Act assessed as not restricting competition.	Review not required.	
Uncollected Goods Act 1996	JACS	Act assessed as not restricting competition.	Review not required.	
Unit Titles Act 1970	DUS	Act assessed as not restricting competition.	Review completed in 2000. This Act has been the subject of a major non-NCP review. There are no identified restrictions on competition.	Replacement legislation passed in April 2001 and commenced on 6 October 2001. See the Unit Titles Act 2000.
Uniting Church in Australia Act 1977	JACS		Intradepartmental review completed in 1999. To the extent that the Act does not give the church a commercial advantage, the Act does not have an anticompetitive effect.	Act retained without reform.
University of Canberra Act 1989	DEYFS	Act assessed as not restricting competition.	Review not required.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Unlawful Games Act 1984	DoT		<p>Targeted public review completed as part of the gambling legislation review.</p> <p>This Act can be described as a 'prohibition' Act: the Act prohibits certain gambling activities unless those activities are lawful under other laws. As such, the notion of competition does not apply to the substance of these Acts as it does to other gambling acts.</p>	The NCP review did not make any recommendations in relation to this Act, and consequently no Government response is required.
Utilities Act 2000	DUS		Introduction of the Act followed public consultation and review of both existing regulatory arrangements and principles for effective regulation.	The Utilities Act implemented. The Act amends or repeals a number of other electricity-related Acts including the Electricity Supply Act 1997, the Electricity Act 1971, the Energy and Water Act 1988 and the Essential Services (Continuity of Supply) Act 1992.
Veterinary Surgeons Registration Act 1965	ACT Health	Licensing of veterinary surgeons, reservation of practices and reservation of title	<p>Review completed in March 2001. Review recommended:</p> <ul style="list-style-type: none"> • retaining registration, reservation of title and clear conduct standards; and • removing the general reservation of practice. 	<p>The Government expects to amend the legislation in 2004. (See reform activity for the Medical Practitioners Act 1930.)</p> <p>A submission is currently being prepared for consideration by the Government to enable reform of the Act. Amending legislation is to be based on the reform model utilised for reform of health professionals, the Health Professionals Bill 2003. Reforms required are minor in nature and will be completed in 2004.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Vocational Education and Training Act 1995	DEYFS	Registration of training providers and accreditation of training providers.	Intradepartmental review completed. Review concluded that public benefit of restrictions outweigh costs.	Act retained without reform. Amendments proposed to meet national consistency requirements for registration of training organisation and accreditation of courses in both vocational education and training and higher education was introduced in the Legislative Assembly in April 2003 and passed in August 2003.
Witness Protection Act 1996	JACS	Act assessed as not restricting competition.	Review not required.	
Workers' Compensation Act 1951	CMD	Mandatory insurance, and licensing of insurers.	Review completed in July 2000. Review recommended changes to scheme design elements and a greater capacity to self-insure.	Draft exposure Bill released in December 2000. The Workers Compensation (Amendment) Act 2001 was passed in August 2001 (effective from 1 July 2002). It retains no premium setting, and choice of fund.
Workers' Compensation Supplementation Fund Act 1980	CMD	Act assessed as not restricting competition.	Review not required.	Act retained without reform.